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INTRODUCTION

UTE MOUNTAIN UTE TRIBAL PERSONNEL MANUAL

INTRODUCTION

The personnel manual is established for the purpose of maintaining basic standards of personnel resposibilities and personnel management for all employees of the Ute Mountain Ute Tribe, except as otherwise indicated herein.

These policies and procedures have been developed and adopted by the Ute Mountain Ute Tribe to ensure achievement of the goals and objectives of all Tribal programs and projects and to provide a guide by which all Tribal programs and projects can function as coordinated and consistent elements in unity and harmony.

In case of a conflict between the Policies and Procedures Manual and the Constitution and By-Laws of the Ute Mountain Ute Tribe, the Constitution and By-Laws will prevail.

Programs and projects that are subject to special conditions or limitations placed on them by funding agencies will adhere to such conditions but will otherwise follow these policies and procedures.

DEFINITION OF TERMS

Absence Without Leave (AWOL): Any unauthorized absence.

Administration: That portion of the Ute Mountain Tribe consisting of shall support programs such as Accounting, Personnel, Operations & Planning, and Purchasing.

Affirmative Action: The concept and the management mechanism for removing artificial barriers to employment and career growth, especially such barriers as discrimination on the basis of race, color, religion, sex national origin, or age.

Appointing Authority: (Selection Committee) The persons authorized to hire employees for positions in the Ute Mountain Ute Tribe.

Appointment: Employment by the Ute Mountain Ute Tribe as part of its work force may be permanent, seasonal, temporary or other type of appointment.

Certification: The act of supplying the selection committee names of eligible applicants for appointment to a position.

Class: A position or group of position which are sufficiently similar in duties and responsibilities that they may be designated by the same title and compensated from the same pay range under similar employment conditions.

Classification Plan: A list of classes of positions supported by class specifications.

Class Specification: The written description of a class,, including the title, statement of the nature of the work, examples of duties and responsibilities, the knowledge, abilities and skills that are necessary or desirable for the satisfactory performance of the duties, and minimum recruiting requirement.

Class Title: The title assigned to any particular class and used for reference to that class.

Compensatory Time: The time required to compensate an exempt employee for authorized extra work-related activities.

Demotion: Reassignment of a employee to a position of lesser responsibility with a lower assigned salary range.

Department: A primary unit of the Ute Mountain Ute Tribe assigned one large responsibility or a number of related responsibilities.

Department Director: Those persons designated by the Executive Director as being responsible for a department and its operation.

Disciplinary Action: An oral warning, written reprimand, special probation, suspension, or dismissal taken for cause.

Disciplinary Probation: A period in which an employee must perform well in order to atone for prior misconduct and to continue in employment.

Dismissal: Involuntary termination of an employee's employment with the Ute Mountain Ute Tribe.

Division Director: Those persons designated by the Executive Director as being responsible for a Division and its operation.

Eligible List: A list of persons who have met the requirements for a given position and are eligible to be certified for appointment to a position.

Employee: A person occupying a position in the Ute Mountain Ute Tribe's service or person who is on authorized leave of absence and whose position is being held pending a return to duty.

Employment Date: The date on which an employee commences performance of duties and is placed on the payroll.

Exempt Employees: Those employees who are exempted from the Overtime Provisions of Fair Labor standard Act, Department of Labor, Workman's Compensation and who are further defined as Executive, Professional, and Supervisory employees.

Full-Time Employees: An employee who works a normal work week of 40 hours.

Grievance: A written complaint delivered through the appropriate channels.

Grievance Committee: The Grievance Committee shall consist of the Superintendent of the local BIA Agency the IHS Clinic Director or his designee, and an impartial Division/Department Head as the third committee member. If, because of a conflict of interest, one member must be disqualified, an alternate member who is agreeable to both other members shall be appointed.

Grievant: An employee who has filed a grievance action.

Immediate Family: An employee's parents, spouse, children, sisters, brothers, grandparents, and in-laws (father and mother-in-law).

Incumbent: The current occupant of a position in the Ute Mountain Ute Tribe.

Job description: A written description of the objectives to be accomplished in a particular position and the work activities required to fulfill those objectives.

Layoffs: The separation of an employee from Ute Mountain Ute Tribe's service because of lack of work or funds or other reasons not related to fault, delinquency, or misconduct on the part of the employee.

Leave: Authorized absence from regularly scheduled work hours which has been approved by proper authority.

Merit Increase: An increase in pay from one step to the next higher step in the same grade or pay range for an employee who meets the eligibility conditions specified in these policies.

Nepotism: Favoritism shown in official business on the basis of family relationships.

Overtime: Time a nonexempt employee is directed and authorized to work in excess of the 8-hour work day.

Part-Time Employee: An employee who is regularly scheduled to work less than 40 hours per week.

Pay Adjustment: An adjustment in pay which results when the pay plan is amended.

Pay Range: The minimum, intermediate, and maximum rates of pay established for a kind nd level of work in the classification and pay plan.

Payroll Deductions: Employee's financial obligations deducted by the employer from the employee's pay and paid by the employer, on the employee's behalf, to the accounts owed.

Payroll-Connected Costs: Financial contributions an employer makes, in addition to wages and salaries, that benefit employees.

Permanent Employee: An employee who has been retained in his/her appointed position after satisfactory completion of his/her probationary period. This includes those employees in permanent part-time positions. Only those permanent part-time employees who work 30 or more hours a week shall be eligible for full fringe benefits.

Personnel Action: A personnel form filled out by a proper authority to initiate or confirm a personnel action.

Personnel Director: The person designated to handle all personnel matters as outlined in these policies.

Position: A group of current duties and responsibilities assigned or delegated by an appointing authority.

Position Classification: A system of identifying and describing different kinds of work in an organization and then grouping similar positions under similar job classes or title.

Probation: A specific time period during which the employee's work is evaluated to determine fitness for career status. Also used in disciplinary cases to provide a specific period of time for an employee to improve performance or meet other criteria to avoid dismissal.

Probationary Employee: A full-time or part-time employee who has not completed the initial probationary employment period. Also used in disciplinary cases to provide a specific period of time for an employee to improve performance or meet other criteria to avoid dismissal.

Program: A single-purpose unit, located within a department, or operating independently of a department but under the guidance of an administrative superior.

Promotion: Assignment of an employee to a position involving greater responsibility and having higher pay range assignment.

Reduction in Force: Laying off employees due to reorganization, reduction in program funding and scope, or other administrative realignments.

Reprimand: A written warning to an employee that a supervisor believes a deficiency exists in the employee's work performance or conduct and improvement is needed. This reprimand is kept in the employee's personnel file for one year.

Resignation: The termination of employment at the request of the employee.

Salary Step: One of a range of salary steps in a pay range.

Self-Determination: A philosophy and Federally-recognized policy of placing increased responsibility for self-government, government services, and economic self-development in the hands of American Indian government.

Seniority: Priority of an employee based on the length of the employee's continuous service from the employee's date of hire.

Supervisor: One who receives, assigns, distributes, and reviews the work of others; sets work of other; sets work deadlines and trains.

Suspension: A disciplinary action which temporarily removes an employee from work, with or without pay.

Temporary Appointment: An employee has received an appointment for a specified limited period, on a full-time or part-time basis and whose appointment may be terminated without appeal.

Transfer: The lateral movement of an employee from one position to another position in the same job class or to parallel job class at the same pay range without any break in service.

Vacancy: A duly created position which is not occupied, for which funds have been provided.

Wage/Salary Schedule: A uniform schedule of pay steps and ranges based on a classification plan.

Withholding: A portion of an employee's earning withheld by the employer to pay for such employee obligations as taxes and insurance.

OBJECTIVES

EQUAL EMPLOYMENT OPPORTUNITY
APPLICABILITY
AMENDMENT

CHAPTER 1
OBJECTIVES

These rules are designed to being the Tribal service a high degree of understanding, co-operation, efficiency and unity through systematic, uniform application of modern personnel Management Program, which include these rules, are:

A. To promote and increase efficiency, responsiveness to the public, and economy in Tribal employment.

B. To provide fair and equal opportunity for qualified persons to enter and progress in Tribal employment based on merit and fitness as determined through fair and practical personnel management methods.

C. To maintain recruitment, advancement, and tenure practices to help in the development of Tribal careers and to encourage each employee to give his best effort to the Tribe and the public.

D. To maintain consistent, up-to-date position classifications, compensation plans, and qualification standards, based on the relative duties and responsibilities of jobs in Tribal employment. (These elements will be in effect no later than 10-1-82).

E. To promote high morale among Tribal employees by fostering good work relationships and by providing uniform personnel policies, opportunities for advancement, and consideration of employee needs and desires.

F. To promote a comprehensive, coordinated cost effective utilization of Tribal, State, and Federal funding resources to realize the goal of Tribal self-sufficiency.

CHAPTER 2

EQUAL EMPLOYMENT OPPORTUNITY

Equal employment will assured in Tribal employment. Discrimination against any person in recruitment, examination, appointments, training, promotions, retention, discipline, or any other aspect of personnel administration because of political, or religious opinions or affiliations, membership or membership in employee organization or unions, or because of race, color, national origins, marital status, or other non-merit factors is prohibited except where Indian preference is legitimately applicable.

Discrimination on the basis of age, sex, or physical disability is prohibited except where specific age, sex, or physical requirements constitute a bona-fide occupational qualification and is necessary

for proper and efficient administration.

CHAPTER 3

APPLICABILITY

These rules apply to all Tribal employees: an "employee" is any person appointed or selected to a position in the Tribal service. A person on retainer or under temporary contract to the Tribe is not considered to be a Tribal employee in the absence of a specific agreement to that effect.

CHAPTER 4

AMENDMENT

These rules may be changed, supplemented, or superseded by resolution of the Tribal Council based upon the recommendations of the Personnel Committee, but no such change or amendment will apply retroactively to divest any employee of a benefit acquired under this policy.

Section 1. General Rule of Conduct

Every employee will conduct himself in such a manner as to be a credit to the Ute Mountain Ute Tribe.

Section 2. Attendance

Employees will be at their place of work in accordance with Tribal policies and regulations. Departments will maintain daily attendance records of employees. A full work day is defined as an eight (8) hour work day with one/half hour for lunch. Employees may take not more than two (2) 15-minute breaks each full day of work. Breaks will be considered a privilege and not a right and will never interfere with proper performance of the work responsibilities of each department.

Section 3. Work Standards

It will be the duty of each employee to maintain high standards of cooperation, efficiency, and economy in his work for the tribe. Department Heads will organize and direct the work of their departments to achieve these objectives.

If work habits, attitude, performance, or personal conduct of an employee fall below established standards, supervisors should point out the deficiencies at the time they are observed.

Counseling and warning the employee in sufficient time for improvement should ordinarily precede formal disciplinary action. Nothing in this section will prevent immediate formal action as provided elsewhere in these rules whenever the interest of the Tribe requires.

Section 4. Political Activity

Unless otherwise provided by law, all employees will refrain from using their positions or influence in anyway for or against any candidate for public office. During working hours employee will not circulate petitions or campaign literature on behalf of candidates for Tribal elective office or any other elections or be in anyway involved with soliciting or receiving any subscription, contributions, or political service on behalf of any such candidates. No Tribal or Contract funds will be used for campaign purposes. Employees will not use program labor, time, equipment or other valuable things for campaign election-related purposes. Candidates for Tribal elective positions will under no circumstances use program time for campaign purposes. Suspension may result of this regulation is violated. All such violations will be brought to the Personnel Committee for final determination.

Section 5. Solicitation

Solicitation of funds or anything of value for any purpose whatever, will be permitted of/or by Tribal employees on the job only with the approval of the Executive Director. No employee may be required to make nay contributions or may be penalized or rewarded in anyway according to his response to the solicitation.

Section 6. Outside Employment

An employee can engage in outside employment where such employment does not create a conflict of interest, or will not affect the employee's performance or the interests of the Tribe or the public. Outside employment must be approved by the supervisor with the concurrence of the Executive Director and cleared through the Personnel Committee.

Section 7. Physical Fitness

It will be the responsibility of each employee to maintain good health required for performing his job.

When a supervisor suspects that the physical condition of an employee constitutes a hazard to person(s) or property, the supervisor may require the employee to submit to a medical examination buy an approved physician. The employee will be granted administrative leave for the time required for such examination, which will be conducted without expense to the employee and will be for the sole purpose of determining his physical condition relative to Tribal employment. Depending upon job classification, any employee may be required to have a pre-employment physical examination by a licensed physician. Such examination may also be required periodically.

Section 8. Financial Obligation

All employees are expected to keep their personal financial affairs in good order. Failure to pay debts, could result in disciplinary

action.

Section 9. Tribal Vehicles & Equipment

Tribal vehicles and heavy equipment are for Tribal business only. Programs which might be subject to emergency calls will be identified and approved to take vehicles, which they normally operate, home with them from work with prior clearance obtained from the Department Head with concurrence of the Division Director. However, this is not to be construed as permission to make private use of the vehicle. All drivers of Tribal owned vehicles will be properly licensed operators, tn the states in which they reside, and will be required to obey all traffic rules and regulations prescribed by law and use every reasonable safety measure to prevent accidents.

Operators of all motorized equipment used within the Tribe who become involved in any accident will be subject to disciplinary action if upon investigation it is determined that the employee is responsible for such action through carelessness or recklessness which contributed to the cause of such accident. Restitution for any loss will be the responsibility of the employee.

Section 10 Standards of Dress

Employees will expected to dress in manner appropriate to their position and proper in respect to specific occasions.

Section 1. Leave

Leave is any authorized absence with or without pay during regularly scheduled working hours and which is approved by proper authority. Absence without leave (AWOL) is any unauthorized absence subject to disciplinary action. Leave records will be maintained accurately by the Accounting/Finance Department in close cooperation with the programs. It is the responsibility of the supervisor and Department Head to insure that proper leave documentation on all employees is provided to the Finance Office.

Section 2. Annual Leave

Permanent employee will accrue annual leave at the rate of:

Initial 3 years of service-12 days per year at the rate of 4 hours per pay period.

More than 3 years but less than 10 years-19 1/2 days per year at the rate of 6 1/2 hours per pay period.

More than 10 years of service-27 days per year at the rate of 9 hours per pay period.

- Part-time permanent employees will accrue leave in proportion to hours worked.

- Temporary employees will not accrue annual leave.

Schedule for pro-rated hours:

- Less than 10 hours, no accrual.

- 10 to 20 hours worked per week, accrue 1 hour annual leave.

- 20 to 40 hours worked per week, accrue 2 hours annual leave.

Annual leave will be administered according to the following provisions:

A. Annual leave will be credited at the end of the pay period for which accrued and may be taken in one (1) hour increments at anytime thereafter upon proper approval.

B. Employees may accrue a maximum of 240 hours of annual leave. Hours earned in excess of 240 hours at the end of the calendar year will automatically be forfeited.

C. Annual leave must be requested per form #71-110, and be approved at least 2 working days in advance, by the employee's supervisor, except in cases of emergency, when it will be granted at the discretion of the supervisor. If such leave is taken without prior approval, the employee will considered absent without leave.

D. Upon separation from Tribal Employment, payment will be made for all unused annual leave up to the 240 hours of maximum accrual pending approval by proper administrative authority, the Personnel Committee, and upon Contract funding availability. Annual leave will be computed at an employee's current annual rate on an hourly basis. Payment of annual leave will be withheld until a clearance report has been made by the Personnel Officer.

E. Supervisors will schedule and approve vacations giving due consideration to the needs of the department and the interests of the employee.

F. No advance annual leave will be given to an employee.

G. Probationary employees will not be entitled to use annual leave until they have completed 90 days of employment.

H. Annual leave will be transferred when an employee is promoted or transferred to another department within Tribal employment.

Section 3. Sick Leave

A. 4 1/3 hours per pay period, or

B. 13 working days per 12 calendar months.

- Part-time permanent employees will accrue sick leave in proportion to hours worked.

- Temporary employees will not accrue sick leave.

Schedule for pro-rated hours.

- Less than 10 hours, no accrual.

- 10 to 20 hours worked per week, accrue 1 hour sick leave.

- 20 to 40 hours worked per week, accrue 2 hours sick leave.

Sick leave will be administered according to the following rules:

A. Sick leave will be credited at the end of the pay period for which accrued and may be taken at anytime thereafter for illness, injury, or routine medical or dental appointments, which cannot reasonably be scheduled outside of working hours. Illness arising form pregnancy or complications thereof, will be requested the same as other types of medical situations.

B. Sick leave may be used and will be charged in on e (1) hour increments.

C. Employees are allowed to accumulate sick leave as long as they are employed up to a maximum of 90 days.

D. Sick leave credits are not transferable between employees.

E. Authorizations for sick leave, because of their usually no obtained in advance, unless the employee knows he will be unable to work because of medical, dental, optical examination or treatment, an operation, convalescence, or lengthy illness.

F. Employees taking sick leave will cause their immediate supervisor to be notified at the earliest opportunity. Employees who become ill and cannot report for work are expected to insure that proper notification is received at their department no later than one (1) hour after regular reporting time. Failure to insure proper notification without valid reason(s) will constitute absence without leave.

G. Employees absent from work for three (3) consecutive days because of illness must submit administratively acceptable evidence that they were ill and unable to work.

H. The supervisor may request and obtain verification of the circumstances surrounding use of sick leave and employees using or attempting to use sick leave without proper cause will be subject to leave without pay (TRIBAL).

I. When an employee accrued sick leave has been wxhausted, it may extended through the use of accrued annual leave, after which the

employee's pay will be discontinued.

J. Upon termination of an employee, the Ute Mountain Ute Tribe will not pay for unused sick leave.

K. No advance sick leave may be given to an employee.

L. At the Discretion of the supervisor sick leave may be allowed if an employee is taking care of a sick person in his immediate family.

M. Employees transferred or promoted from one department to another will be allowed to carry over all sick leave accrued.

N. Sick leave may be allowed if an employee is being treated, cured, or seen by a medicine man/woman. This leave may be subject to verification by the supervisor in the prescribed Tribal manner.

Section 4. Occupational Disability or Injury Leave

Subject to paragraph (a) and (b) below, an employee injured in the course of his employment will be granted occupational disability or injury leave not charged against his sick or annual leave. Such leave will extend for such time as the employee is unable to return to work, but in no event to extend beyond one (1) month unless expressly certified as unable to work by a designated physician and authorized by the Executive Director. During such injury leave, the tribe will pay for seven (7) work days, thereafter, the Workmen's Compensation Insurance will pay for the employee's disability. However, if upon investigation a determination is made that negligence on the part of the employee contributed to the cause of the accident, no benefits will be paid. The Director of the Tribal Health Services Department or in his absence a person designated by the Executive Director will be responsible for submission of all required forms.

A. All employees while on occupational disability or injury leave will submit an examination report by a designated physician at any time directed by the Executive Director.

B. An employee who fails to promptly report any injury incurred in the line of duty, however minor, to his foreman or supervisor, and fails to take first aid treatment may not be eligible for occupational disability or injury leave for that injury.

C. When an employee is injured on the job, the foreman or supervisor will complete an accident report immediately or within 24 hours of the accident on forms provided by the Director of Tribal Health Services.

D. In all cases, where occupational injury to an employee occurs and an employee has been on disability leave for as much as one (1) week, the supervisor will confer with the attending physician to review the progress of the case and make recommendations to the Personnel Department and Executive Director as the supervisor deems advisable.

E. Tribal employee's are covered by provisions of the Workmen's Compensation Law and in cases not otherwise outlined above, its provisions will be followed.

Section 5. Administrative Leave

Administrative leave policy will cover those request for leave that are not covered elsewhere in the leave policies and will be at the discretion of the Executive Director. Administrative leave is paid leave which is not charged against annual or sick leave. Such requests may include various administrative purposes as outlined below:

A. Adverse Weather Conditions

An employee may be ordered no to report to work or may request to leave early because of inclement weather and may be granted administrative leave with pay:

B. Court or Jury Leave

An employee, when answering to a subpoena, or who appears before or participates in any civil or criminal court as a juror or a witness will be granted administrative leave with pay. Fees received as a witness or compensation for jury duty, not including transportation reimbursement, will be paid to the Tribe. The employee must report to work immediately following the completion of the Court duties.

C. Voting Leave

An employee who is registered voter may, on the day of election be allowed a maximum of 2 hours administrative leave with pay in order to vote in any official election. Time allowed will be specified by the supervisor between opening and closing of the polls.

D. Other Administrative Leave

An employee may be granted administrative leave with pay to attend a professional conference, convention, training activity, legislative proceeding, civic function or meeting with the approval of his supervisor. Leave for purposes of coordinating with government and private agencies and entitles in the interest of the Tribe will also be considered as administrative leave with pay.

Section 6. Maternity Leave

Leave for pregnancy may be granted. This leave can be sick leave, annual leave, or leave without pay. A pregnant employee is expected to make her own decision, in consultation with her physician, as to when she will cease working and when she will return. In normal cases, the employee will notify her supervisor at least two (2) weeks prior to her intended departure as to the period of time she expects to be on leave and which type (s) of leave she intends to use. Such leave will not be authorized merely because an employee prefers not to work while pregnant.

If an employee's pregnancy prevents her from properly performing the duties of her position or cause a hazard to person(s) or property and the employee refuses to take leave, the employee's supervisor may place her on annual or sick leave without pay status until such time as she is certified able to return to work by a designated physician.

In an event of prolonged absence due to pregnancy, the position of the absent employee may be filled by a temporary appointment. There is no accrual of sick or annual leave when an employee is on leave without pay status.

Section 7. Military Leave

An employee who is a member of the National Guard or of any of the Reserve Components of the Armed Forces of the United States will be entitled to leave of absences from assigned duties for as many as fifteen (15) days in one calendar year to participate in military training. Such leave will be with full pay minus that which the employee received form the military for service while on military duty. If the military compensation exceeds that which the employee would have earned during the same period of Tribal employment, the employee may retain the excess. Employees called to participate in military training shall furnish their supervisor with certificate and copies of official military orders that specify they are called to duty by proper authority.

Section 8. Bereavement Leave

An employee may be granted leave for up to four (4) days in the event that there is death within the employee's immediate family. Leave beyond the granted administrative will be charged to sick leave or annual leave.

Section 9. Educational Leave

An employee may be granted leave for educational purposes. Such leave will be limited to one (1) hour per working day or five (5) hours per week with the stipulation that the courses taken are directly related to the employee's position, and the course has been approved by the employee's supervisor, Division Director, and Personnel Director before registration. Such leave will be with pay.

An employee can request education leave for longer periods of time which could mean moving out of the community (for college, university) but with the understanding that his position may not be available upon his return. Such leave will be without pay.

Section 10. Leave Without Pay (TRIBAL)

An immediate supervisor may grant an employee a leave of absence without pay for any good reason(s) upon request. Leave in excess of one (1) month or extensions of previously authorized leave must be

approved by the supervisor and Executive Director. Leave that unreasonably impedes a work program of the tribe may be denied, Employees on leave without pay status do not earn annual or sick leave.

Section 11. Absences Without Leave (AWOL)

An employee who fails to report for duty or who leaves without proper notification, authorization, or excuse will be considered absent without leave and will be subject to disciplinary action. Absences without leave will subject the employee to the penalties outlined in the table of penalties.

Section 12. Absentee Records

The Tribal Finance Department will maintain accurate records of employee absences and leave accrued and will provide reports as required.

Section 13. Holidays

New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Christmas Day, Bear Dance, and Sun Dance and such other days as may be declared by the Tribal Council will be official holidays for tribal employees and observed in accordance with the following provisions:

A. As many employees as possible will be given each holiday off consistent with the maintenance of essential Tribal functions.

B. Full-time permanent employees will be entitled to paid holidays.

C. Part-time permanent employees will be entitled to those paid holidays on which they otherwise would have worked.

D. Temporary employees may be given paid holidays.

E. An employee who works on an official holiday as directed will be given compensation time off for hours worked.

F. If a holiday falls on Saturday, the proceeding Friday will be observed. If a holiday falls on Sunday the following Monday will be observed.

G. An employee absent without authorized leave on the working day immediately proceeding and/or following a holiday will lose pay for the holiday will lose pay for the holiday as well as for the other day or days off.

H. Holidays falling within an employee's vacation period or within a period of absence properly charged to illness will not be counted against annual or sick leave.

I. Employees desiring to observe religious holidays not listed herein may be given time off without pay or may be authorized to use accrued

annual leave.

J. Supervisors will insure that eligible shift workers and other employees working unusual schedules receive benefits of the full number of official holidays.

Section 14. Fringe Benefits

A. Severance Pay

Ute Mountain Ute Tribe is composed of any programs that exist on a yearly basis and are subject to various rules and regulations. Programs and jobs are often affected when a funding source ceases. When this occurs the Ute Mountain Ute Tribe will experience layoffs, reassignment of jobs, reorganization and termination of positions. Severance pay for employees affected by such circumstances will be allowed provided that:

!. Rules and regulations of the affected funding sources allow it.
2. I does not exceed two (2) weeks

3. It meets with Supervisor's and Executive Director's approval.

4. Discontinued employment is voluntary.

B. Religious Leave

Leave for religious purpose must be approved in advance by the supervisor and will be taken as either annual leave or leave without pay at the employee's discretion. Tribal religious holidays will be designated by the Tribal Council. Religious Leave may be taken for an illness and may be taken as sick leave. Such must be approved by the Executive Director.

C. Other Benefits:

Social Security (FICA) -Benefits are maintained for every employee.

Workmen's Compensation- Coverage is maintained for all Tribal employees.

Health Insurance- Blue Cross/Blue Shield: Is provided for all full-time employees who wish to be covered.

Employee's dependant coverage must be paid for by the employee.

All compensation and accrued annual leave will be paid to surviving spouse or next of kin in the event that the employee dies.

Section 1. Policy

Hiring will be done solely on the basis of capability or fitness. Appointments and/or selections will be made based on the qualifications of applicants determined through fair and practical

selection methods. Preference may be given to former employees eligible for reinstatement and to eligible and qualified members of the Ute Mountain Tribe.

Native Preference Policy is as follows:

Public Law 93-638, Section 7, (b) which states:

Any contract, subcontract, grant or subgrant pursuant to this Act, the Act of April 16, 1938 (48 Stat. 596), as amended, or any other Act authorizing Federal contract with or grants to Indian organizations or for the benefit of Indians, shall require that to the greatest extent feasible--

(1) preferences and opportunities for training and employment in connection with the administration of such contracts or grants shall be given to Indians.

It is the policy of the Ute Mountain Ute Tribe to give preference to American Indians in all phases of employment and training which includes but is not limited to: hiring, promotions, transfer, and training opportunities. Preference shall also be provided to American Indian individuals and organizations in the award of such contracts of Ute Mountain Ute Tribe. To meet that goal the requirements of the two preceding paragraphs shall be included in all sub-contracts and sub-grants.

Implementation of this policy shall be in the following manner:

For the purpose of recruitment the concept of Native Preferences shall apply and be clearly stated on every job announcement. The process of selection shall be as follows:

1. Applications from Ute Mountain Ute and American Indians shall be considered first and exclusively and if a suitable qualified applicant from this group is found, he/she will be selected for the position.

2. If no suitable, qualified applicants are to be found in the above specified group then applications submitted by all other persons shall be considered and an appropriate selection made there from.

Section 2. Personnel Selection Committee

The Committee will consist of the Personnel Director, the program director from the department with the vacancy, and an outstanding staff member who works in the job classification category which is being recruited. The selection of this staff participant will be a candidate mutually agreed upon by the program director and the Personnel Director. The filling of all Tribal employment vacancies will be the duty of this committee.

Section 3. Type of Selection

Selected employees will be designated either regular or temporary. The class of employees of the Ute Mountain Ute Tribe shall be:

A. Permanent Full-time- An employee who works a full-time normal week of forty (40) hours and whose position is not considered to be of temporary nature.

B. Temporary Full-time- An employee who works a full eight (8) hours a day or a forty (40) hours week, but whose duration of employment is limited to a definite number of hours, days, weeks, or months. Ceta employees will considered temporary employees.

C. Permanent Part-time- An employee who works an normal week of less than forty (40) hours and whose position is not considered to be temporary period of time.

E. Consultants- An employee who works for a set fee for a definite duration of time.

Section Medical Examination

A person selected for appointment may be required to undergo a medical examination in manner prescribed by the Personnel Department. Employment will be contingent upon successful completion of the medical examination in relation to the standards of fitness required for the position involved.

The Personnel Department may prescribe separate policies and procedures regarding medical examinations for employees already in the tribal service or those persons returning from more than two (2) weeks leave and for those employees for whom a medical examination is mandated.

Section Residence

There will be no absolute requirements for Tribal employment. Employees who are likely to be called back to work in cases of emergency may be required to reside within reasonable commuting range of their place of work.

Section 6. Nepotism

The Ute Mountain Ute Tribe wished to discourage nepotism. For purposes of this policy nepotism shall be defined as favoritism shown to an immediate family member while functioning in an official administrative capacity. The immediate family includes any of the following persons: parents, spouse, brother, sister, son, daughter, grandparents, and in-laws (mother-in-law, father-in-law). The following rules shall be observed with respect to Ute Mountain Ute Tribe employment:

1. No person shall hold a job or be hired to a job that requires him/her to directly supervise or be supervised by an immediate member of his/her family.

2. The Personnel Director may request a waiver of paragraph (1) if no other qualified individual can be found to adequately fill the position in question. Documentation shall be required to demonstrate that no other individual was qualified or available for employment.

3. A person who serves on a board/committee that ha authority over personnel action, regularly nominates or screens candidates for a program which employs a member of his/her immediate family, shall voluntarily excuse him/herself from that board/committee member may not take part in any discussion or vote on any board/committee action directly dealing with member of his/her immediate family.

The nepotism clauses listed above apply to all hiring conducted after the effective date of this manual.

Section 7. Transfer

A transfer is the assignment of an employee from one position to another. A transfer not involving promotion may be effected at any time upon request of the employee to the immediate supervisor involved, or may be effected for administrative convenience, provided that the employee is qualified to perform the duties of the position to which the transfer is contemplated and providing that there is a vacancy existing. Transfers may be made administratively or in conjunction with an announced selection process. All transfers of employees between classes or between departments will be thoroughly investigated by the Personnel Officer before approval of any transfer by the Personnel Department. Final approval will come from the Tribal Executive Director. Promotional transfer between programs will be allowed provided the employee is qualified for the position transferred to, and also that the position has been advertised locally. Qualified employees will receive first priority regarding promotional or non-promotional transfer. Selection will be made through established personnel procedure.

Hard to Fill Vacancies:

The Selection Committee may, after all candidates for a given position have been found to be unqualified or unable to meet the needs of the Tribe, initiate a direct recruitment of a known qualified individual. The vacancy may also be re-advertised. These alternative measures must be approved by the Executive Director.

CHAPTER 8

GRIEVANCES AND APPEALS

Selection 1. General

Any employee who is aggrieved by an action which relates to working conditions, work relations, or personnel policies and procedures, whose complaint cannot be resolved through informal discussions with

the immediate supervisor, may file a written grievance (in whatever form chosen), under the provisions of this section to the immediate supervisor within five working days after the occurrence of the action in question. This five day limitation may be waived if the employee was unaware of the action before the time period specified will terminate the grievance.

Grievances shall include, but are not limited to, employee-supervisor relationships, duty assignments other than those specified in the job classification, shift and job location assignments, hours worked, working facilities and conditions, policies for granting leave, and disciplinary action. Any employee who takes his/her employment problems outside of the grievance procedure, without first attempting to resolve the problems in accordance with the procedure, shall be subject to disciplinary action.

A copy of the original grievance shall be filed with the Personnel Director. Every effort shall be made by the parties to resolve the grievance at the lowest possible level. All records relating to a grievance procedure are confidential.

Section 2. Procedure

If a formal grievance is filed, it shall be processed in the following manner, except that time limits may be waived or extended with written consent of both parties:

Step 1 - The employee shall present the written grievance to the immediate supervisor with a copy to the Personnel Director. The grievance reply shall be given to the employee with a copy sent to the Personnel Director within five (5) working days of the filling date. If the grievance remains unresolved or the decision is considered unacceptable, the employee may proceed to Step 2.

Step 2 - Within five working days after receipt of the decision in Step 1, or after the decision is due, the employee shall present the written grievance and the decision to the department manager. The department manager shall schedule a conference with the party (s) within five working days after the receipt of the grievance. The department manager shall give a grievance reply to the employee with a copy to the Personnel Director within five working days after the conclusion of the conference. If the grievance remains unresolved or the decision is considered unacceptable, the employee may proceed to Step 3.

Step 3 - Within five working days after the receipt of the decision in Step 2, or after the decision is due, the employee shall present the written grievance to the Personnel Director. The Personnel Director shall, within five working days after the receipt of the grievance, give a grievance reply to the employee. If the decision is considered unacceptable, the employee may proceed to Step 4.

Step 4 - Within five working days after the receipt of the decision in Step 3, or after the decision is due, the employee shall present

the written grievance to the Executive Director. The Executive Director shall within five working days after receipt of the grievance remains unresolved or if the decision is considered unacceptable, the employee may proceed to Step.

Step 5 - After the employee has exhausted the administrative remedies, the employee may file a written appeal, within five working days after the receipt of the decision in Step 3, or after the decision is due, to the Grievance Committee for a formal hearing.

Section 3. Grievance Committee

The Grievance Committee shall, within 15 working days after the receipt of the grievance, schedule an appeal hearing. When a hearing is scheduled, written notice shall be sent to all interested parties at least five working days in advance of the date set for the hearing, including a copy of the appeal to be heard and setting forth the time, date, place, and purpose of the hearing.

All appeal hearings will be closed to the public unless the employee has requested that a hearing be open. In conducting an appeal hearing, the proceedings shall be informal, and the technical rules of evidence shall not apply.

All parties if a hearing shall be entitled to counsel or representation of their own choosing at their own expense.

Section 4. Findings

Within five working days of closing a hearing, the Grievance Committee shall present, in writing, its findings and decision to all concerned parties. Such decision shall be final and binding upon both the employee and the Ute Mountain Ute Tribe.

Section 5. Immunity

All employees have the opportunity to present a grievance as prescribed by this section. If an employee is threatened or subject to duress when presenting the grievance, the employee may so notify the Grievance Committee in writing. The Grievance Committee shall authorize an investigation of such complaints and based upon findings, may take disciplinary action against any person who was derelict or discriminatory in considering the grievance.

Section 6. Responsibility for Personnel Functions

The Personnel Director or his/her designee shall be responsible and accountable for the personnel functions.

The Personnel Director is responsible for providing copies of all relevant records in the grievance to the Grievance Committee.

The Grievance Committee shall consist of the Superintendent of the local BIA Agency, the IHS Clinic Director or his designee, and an

impartial Division/Department Head as the third committee member.

If, because of a conflict of interest, one member must be disqualified, an alternate member who is agreeable to both other members shall be appointed.

CHAPTER 9

PROMOTION AND DEMOTION

Section 1. Promotion

A position vacancy may be filled by initial appointment or administrative assignment without announcing the vacancy to the public, if the following conditions are met:

1. There is an urgency to fill the position due to immediate need or to assure compliance;

2. There are in-house candidates available that have knowledge of the position and will require very little or no training to fill the position;

3. Management has documented reasons for filling the position by initial appointment or administrative assignment;

4. The Personnel Selection Committee concurs on the action.

To be considered for promotion within the same department, the employee must have been in the same project at least six (6) months, can function in that position with little or no training, and must have expressed an interest in the position.

A supervisor can nominate the employee(s) in his/her department to considered. Nominations will be made to the Personnel Selection Committee. Final decision will be made by the Committee after a review of the qualifications and the criteria involved.

Section 2. Demotion

A demotion is the assignment of an employee from a position in one class to a position in another class having a lower maximum salary.

A. Voluntary Demotion-A voluntary demotion will be considered when it meets the following criteria:

1. If an employee would otherwise be laid off because his position is being abolished, hi position is reclassified to a lower class, there are lack of funds, or lack or work.

2. If an employee does not have the necessary qualifications to render satisfactory performance in the position he holds, or

3. If an employee voluntarily requests transfer because such form of transfer would be to the advantage of the employee and the Tribe. Voluntary demotion will not be considered disciplinary action or disqualify the employee from consideration for later advancement.

B. Involuntary Demotion - An involuntary demotion will be considered according to the following criteria:

1. If after being promoted to a higher position the employee has failed to perform satisfactorily in the prescribed time, The employee will be demoted to the position held before, (or to a similar position at the established salary range), or the employee could be subject to termination if a vacancy does not exit, or

2. If the employee is not performing at the required performance standards for the particular position and all efforts to upgrade his performance have been exhausted.

PROBATION
PERFORMANCE EVALUATION

CHAPTER 10

PROBATION

Section 1. Purpose

The purpose of the probationary period is to provide a trial period for the employee to prove his fitness and capability to perform and adapt to the job. Each employee, where applicable, will be required to serve only one (1) 90-day probationary period regardless of inter-departmental transfers.

Section 2. Probationary Period

The probationary period is established for all new permanent employees. The probationary period will begin with the date of employment and continue for 90 days. Upon satisfactory completion of performance standards during the probationary period, the employee's appointment will be converted to permanent status with sick leave and annual leave accrual retroactive to the date of employment. The probationary period may be extended if additional time deemed necessary. A written evaluation must be completed by the supervisor and submitted to the Personnel Department at the end of the probationary period.

Section 3. Failure of Probation

A probationary employee will be terminated at any time during the probationary period when his fitness and/or quality of work are judged unsatisfactory to merit continuation in the position.

Section 4. Grievance

A new employee failing probation will have no right of grievance, except on grounds of illegal discrimination in which case the employee may follow the regular grievance procedure outlined in these policies.

CHAPTER 11

PERFORMANCE EVALUATION

Section 1. Policy

Performance evaluation is designed to help the supervisor and employee measure how well the employee is doing his job, to identify areas for performance improvements, and to provide a tool for management decisions regarding training, assignments, promotion, and retention of employee.

Section 2. Rating & Reviewing Responsibilities

Each permanent Tribal employee's work performance will be evaluated annually prior to the anniversary date of his employment or last promotion on a form approved by the Personnel Department. A special evaluation may be conducted, if approved, by the employee's Department Head and the Personnel Department. Each employee will be provided a copy of his performance evaluation report. The supervisor will discuss the report with the employee and will counsel the employee regarding his career desirable or necessary.

All evaluations must be done in fair, equitable manner and above all must be consistent for all personnel evaluated by that Department Head. A copy of the employee's Personnel record (file), will be kept on file in the Personnel Office. The Personnel Director will monitor employee files as needed to insure that probationary and annual evaluations are completed at the appropriate time. The Personnel Director will notify the Department Head thirty (30) days prior to the time an evaluation is due.

CHAPTER 12

DISCIPLINARY ACTION

Section 1. General

Disciplinary action may be taken for just cause by the Supervisor, Division Director, or Executive Director. Just cause is not limited to the offenses listed on the Penalty Procedures List (see pg. A.A.).

Section 2. Corrective Measures

A. Verbal Warning-A verbal warning may be used by the supervisor initially to insure that there is no misunderstanding of the misconduct and to attempt to correct an employee's unacceptable behavior.

B. Written Reprimand-A written reprimand may be used by the supervisor. It is a warning to employee and will be made part of the employee's personnel file. The reprimand will describe the deficiency or infraction involved and will specify the measures to be followed to improve performance or conduct. If the performance or conduct is improved or performance is satisfactory, the reprimand will be removed from the records.

C. Probation-Probation should be considered a severe warning issued in writing by the e Department Head and will be made part of the employee's personnel file. The written notice should clearly explain the reason(s) for the action, stipulate the length of the probationary period, set the standards for judging the employee's improvement, and the action to be taken (usually suspension or termination), if the problems are not corrected within the specified time.

D. Suspension-The supervisor, after consulting with the Division Director and the Executive Director, may suspend an employee without pay for up to thirty (30) days.

E. Dismissal-If an offensive/violation is considered severe or judged harmful to the Tribe, an employee can be dismissed immediately by the Executive Director with concurrence of the Personnel Committee.

This action would supersede all other disciplinary action. If an employee is dismissed from Tribal employment for a serious offense, he will not be considered for future employment with Ute Mountain Ute Tribe.

If dismissal was for other than a serious offense, (see Violation List, pg. A.A.) consideration will be based on past conduct as evaluated by the Personnel Selection Committee.

F. Appeal of Adverse Action-Disciplinary action taken under this chapter or other types of formal adverse action must be appealed in accordance with the grievance procedure outlined in the grievance section. The adverse action will take effect at the time of issuance of notice.

There will be no right of grievance for probationary employees except on the ground of discrimination prohibited by law or by these rules.

The Grievance Committee, following careful investigation of the facts, will have broad authority to disapprove, modify, or rescind and disciplinary action taken or proposed. The decisions of the Grievance Committee will be final.

Section 1. Voluntary Termination

A. Policy-Employees may terminate their employment voluntarily at anytime.

B. Resignation-An employee may leave Tribal employment in good standing by filling with his Department Head a written resignation

stating the date the resignation is effective. The resignation should be submitted fourteen (14) days in advance. Department Heads and professional staff must submit resignations thirty (30) days in advance. The Executive Director may waive any portion of the notification period. The failure of an employee to comply with the described procedures could be the basis for declaring him ineligible for reinstatement. An employee who reigns in good standing may be reinstated to his former type of position within six (6) months to a year, providing that he remains qualified to perform the duties and such reinstatement would be in the interest of the Tribe. An employee who is reinstated will resume seniority rights as if there had been no break in service. However, the reinstatement date will be considered as the anniversary date and the accrual of sick and annual leave will commence at the hours accrued to that seniority level.

An employee who has reigned will receive payment of all earned salary and accrued annual leave, subject to deductions for any indebtedness to the Tribe. Failure to comply with the notice period may jeopardize the employee's collecting accrued annual leave.

Section 2. Involuntary Termination

A. Policy-Employees terminated involuntarily will be given notice of two (2) weeks. Termination may be immediate of the offense is of such magnitude that keeping the employee on the job would be detrimental to the Tribe and/or the employee.

B. Layoff-An employee may be laid off because of a lack of funds, change in duties, reorganization, or lack of work. Whenever possible, an employee laid off from or department of division will be transferred to a similar position elsewhere. Assistance in finding employment for the laid off employee will be given. The laid off employee's application will be placed, upon request, in the active file of candidates for employment and may be given preferred status. Whenever possible, an employee to be laid off will be notified at least two (2) weeks prior to the effective date, or shall be granted equivalent severance pay.

Layoffs will be carried out on the basis of demonstrated job performance and upon seniority giving equal weight to each, as evaluated by the Department Head. Individuals laid off will have the right to appeal through the grievance procedure.

C. Incapacity-An employee may be separated for disability when he cannot perform the required duties because of physical or mental impairment.

CHAPTER 14

REINSTATEMENT

Section 1. Following Layoff

An employee who was laid off upon completion of duties may be routinely recalled to work at any time, provided that person remains qualified to perform the duties of the position.

Section 2. Following Separation for Incapacity

An employee who was terminated for incapacity may be reinstated in his former type of position within three, (3) months to six (6) months following termination, provided the reason for the incapacity has been removed to the satisfaction of the Personnel Director.

Section 3. Following Resignation

An employee who resigned in good standing will be eligible to apply for a position and be considered for employment after one (1) year following the resignation. This provision can be waived by the Personnel Committee.

Section 4. Following Involuntary Termination

An employee who was dismissed will be eligible for employment with the Tribe after one (1) year following dismissal, only if his re-employment is approved on the violations list. (See page A.A.).

CHAPTER 15

COMPENSATION AND POSITIONS

Section 1. Compensation

A. Each Tribal employee will be paid at the rate established for the particular position on the Ute Mountain Ute Range Scale to be established by October 1, 1982.

B. A new employee will normally be compensated at the minimum step of the approved salary range. In exceptional circumstances, the Executive Director may authorize hiring at above the minimum step.

C. The Ute Mountain Ute Salary Range Scale is designed to furnish administrative flexibility in recognizing individual differences in growth and improved performance and in rewarding employees for meritorious service.

Individual increases will be granted at intervals specified by the Ute Mountain Ute Salary Range Scale upon recommendation of the immediate supervisor who will give careful consideration to the ability, attitude, and performance records of each employee.

D. Cost-of-Living: The Tribal Council may, at its discretion, authorize cost-of-living increases at any time, depending on availability of funds.

E. No employee will be paid more than the rate established in the Ute Mountain Ute Salary Range Scale. Placement on the scale will be based on the classification of the position in line with other equitable positions in the Tribal Organization.

Section 2. Administrative Cost pooling

Payment of employee wages by pooling administrative funds from more than one grant or contract will only be allowed under the following conditions:

A. An administrative Cost Pooling Plan has been approved by the Granting Agency, and

B. The same plan has been approved by the Tribal Council and a copy of the Administrative Cost Pooling Plan is on file in the Tribal Finance Office prior to implementation of the plan.

Section 3. Positions

It will be the responsibility of the Supervisor to write class specifications for all position or groups of positions. The Personnel Director will review all specifications for compliance with accepted standards. This will accurately classify every regular position. At a minimum, the following will be included in each classification:

A. Brief description of duties, responsibilities, and position goals.

B. Supervision exercised and/or received, together with the nature of supervision.

C. Minimum qualifications requirements.

D. Ute Mountain Ute Salary Range Scale Level for each classification.

Classification reviews may be initiated by the Personnel Department. However, supervisors may request such reviews when it has been determined that one or more positions in a department are improperly classified. An employee can also request a review of his position if his supervisor agrees that there has been significant change in the position. The Personnel Department must respond within a reasonable length of time and conduct the classification review.

CHAPTER 16

EMPLOYEE DEVELOPMENT AND TRAINING

Section 1. Policy

Employment development is encouraged to bring out full career potential of employees through a comprehensive program which includes in-service training and other relevant seminars and sessions.

Section 2. Employee Training

Employee training will be the responsibility of the Personnel Director and the employee's immediate supervisor. Training needs will be identified by the supervisor and a training schedule will be developed.

A. On-The-Job-Training: Providing basic information and work skills necessary for satisfactory job performance is the responsibility of the immediate supervisor. When faulty or inadequate performance is observed, the supervisor should identify the deficiency and correct it through job coaching or assign another employee with the necessary skills to assist with the training.

B. Departmental Training: Training needs within a program are the responsibility of the supervisor who will attempt to identify existing needs and insure that they are met by whatever internal or external resources are available.

C. Inter-Departmental Training: In-service workshops, conferences, and seminars which are inter-departmental in scope are the responsibility of the Personnel Director.

Section 3. Attendance at Training Events

The attendance of employees at training events, internal or external, is the prerogative of each supervisor, if the event occurs within an employee's schedule work shift. Should the Division Director ascertain that the training opportunity (eg, formal education, in-service, Parent Committee Training), is essential to benefiting the division of Tribe, then he may override the decision of the Supervisor/Department Head.

Section 4. Training and Education Expenses

A. The cost of in-service training and other educational expenses is programmed according to the type of training, the costs, and the locations. In general, employee training and the scheduling of such training is the responsibility of the Supervisor in concurrence with the Personnel Director.

B. All training expenditure, excluding Personnel Department sponsored training events, will be charged to the requesting program budget.

Section 5. Tuition Reimbursement

It will be the policy of the Ute Mountain Ute Tribe too support the continued growth and development of employees. Employees will be reimbursed for tuition expenses provided:

A. Meets Program Director's approval.

B. Course work is closely related to employee's work assignments.

C. Only regular tuition fees will be reimbursed. Late fees, textbooks, supplies, etc., are the responsibility of the employee.

D. The anticipated expenses are covered by the employee's program budget.

E. The employee is willing to sign a contract indicating that should he discontinue participation in the training program prior to completion, without a legitimate cause, that he will reimburse the cost of tuition to the program.

F. A grade of "C" or better must be maintained in those course which provide grades and acceptable performance must be maintained in ungraded courses before reimbursement will be made.

GENERAL PROVISION
MANUAL RESPONSIBILITY & MAINTENANCE
PERSONNEL COMMITTEE MEMBERSHIP

CHAPTER 17

GENERAL PROVISIONS

Section 1. Personnel Records

The Personnel Department will maintain the official personnel files for all Tribal employees. Departments and divisions may maintain such working files as are necessary for day-to-day administration.

Unless otherwise provided by law, personnel files and information will be confidential and may not be used or divulged for purposes unconnected with the Personnel Department or management system except with the permission of the employees involved. Impersonal statistical information may be released.

Section 2. Board or Committee Members

Employees will no the involved in an official status in a committee for the Ute Mountain Ute Community if they are directly involved in policy making decisions or their positions are funded from the same program.

Section 3. Veterans Preference

Veterans of military service who can prove a discharge other than dishonorable will be given preference and hired at the discretion of the Personnel Selection Committee providing they meet the minimum qualifications of the position.

CHAPTER 18

MANUAL RESPONSIBILITY & MAINTENANCE

Section 1. Responsibility

The Personnel Director will be the manual custodian and will maintain the master copy of the Ute Mountain Ute Tribal Personnel Policies and Procedures Manual.

The Personnel Director will coordinate all revisions and additions to the manual. The Director also will maintain a master list of all persons or offices to whom manuals have been issued. The Director also will ensure prompt receipt of all revisions and additions to the manual for all persons or offices having copies of the manual.

It will be the responsibility of the Personnel Committee to make decisions regarding interpretation and application of policies and procedures dealt with in the manual. Any disagreements regarding such policies or procedures that cannot be satisfactorily resolved by the Committee may be presented to the Executive Director. If the Executive Director can not find a suitable remedy, then the final resolution will be sought from the Grievance Committee.

Section 2. Procedures for Revision

All revisions and/or additions to the manual will be authorized by the Tribal Chairman with acknowledgement and approval of the Tribal Council. The Personnel Committee is responsible for receiving and reviewing changes as recommended. The Committee will submit recommendations for modification to the Tribal Council for approval.

The signed revisions and/or additions will be kept in the master copy file. Approved revisions in standard manual format will be reproduced from the originals and copies will be distributed to all current holders of the manual. Each copy of the revision will carry instructions for removing outdated pages from the manual and inserting the revised pages. Each transmittal memo is to be retained in the back of each manual as a record of the revisions.

The Personnel Director will maintain in the master copy file:

A. One copy of the minutes of every committee meeting in which manual revisions and/or additions were discussed.

B. The master copy of every sheet removed from the manual during a manual revision.

C. The master copy of the instructions for each manual revision.

D. A list of all persons and/or offices to whom revised sheets were distributed and the date distributed for each revision.

E. Any other material related to manual revision.

CHAPTER 19

GRIEVANCE COMMITTEE MEMBERSHIP

Grievance Committee

1. Superintendent or designee.

2. Director of Health facility or designee.

3. One (1) Division/Department Head.

Selection Committee

1. Personnel Officer.

2. Department Head.

3. Another person from same job classification.

Personnel Committee

1. Executive Director.

2. Personnel Director.

3. Education & Training Division Director.

4. And two (2) non-supervisory Native American employees to be selected by the first three (3).

APPENDIX

Personnel Violation List.....AA---AA-4

Tribal Troubled Employee Program.....BB---BB-2

Ute Mountain Ute Wage & Salary
Schedule.....CC--C-1

Tribal Organization Structure.....DD--DD-2

Ute Mountain Tribal Constitution
and Bylaws.....EE---EE-7

UTE MOUNTAIN UTE
TRIBAL TROUBLED EMPLOYEE PROGRAM

APPENDIX B

UTE MOUNTAIN UTE TRIBAL TROUBLED EMPLOYEE PROGRAM

The following policy and procedures will become effective immediately:

POLICY

1. Alcoholism is an illness which is treatable; drug abuse is a treatable health problem; and adjustment reaction is treatable situational problem.

2. Alcoholism is defined as an illness in which consumption of an alcoholic beverages repeatedly interfered with an employee's job performance and/or employee job performance and/or health is impaired as a direct consequence of the use of drug(s); adjustment reaction is defined as a situational problem in which the employee's job performance and/or health is disrupted psychologically, physiologically, sociologically, or economically.

3. The purpose of this policy is to assure that employees with any of these problems gain equal and careful consideration and offer of services that they would receive for any other problem, providing the person affected accepts prescribed treatment. This will include sick leave, annual leave without pay (LOOP), and insurance benefit during the treatment phase of rehabilitation.

4. The Ute Mountain Tribal Program Policy is to not accept the social stigma after associated with alcoholism, drug abuse, and adjustment reaction Realistic acceptance of any problem as a job performance of any problem as a job performance decurrent and/or health problem will encourage employees to seek treatment.

5. While counseling is open to any employee who may have a problem with alcohol, drug(s) and/or adjustment reaction, the Ute Mountain Ute Tribe will take the initiative only when job performance is impaired. Social drinking, drug usage, neglect to recognize adjustment problem(s), remains the employee;s responsibility. Significant person(s) to the employee will be included in counseling processes.

6. In carrying out this policy, the supervisor will insure that neither job security nor promotional opportunity are jeopardized for an employee by the employee's request for help with an alcoholism, drug abuse, and/or adjustment reaction problem(s).

7. A supervisor is nor expected to render judgment as to whether or not an employee is an alcoholic, drug addict, or a self-neglect individual. If a problem is suspected, the supervisor refers the employee to the Troubled Employee Program for diagnosis and referral for treatment.

8. No employee is forced to accept treatment. If an employee refuses to accept diagnosis and treatment, or if and employee's job performance will then be the determinant in his or her continued employment within the Ute Mountain Ute Tribal

9. A person concerned about alcoholism, drug abuse, or adjustment reaction to seek diagnosis, and, where indicated, to accept and

complete treatment.

10. Medical and other records of employees concerning alcoholism, drug abuse, or adjustment reaction will be safeguarded in the same confidential manner as all other medical records.

11. No special regulations, privies, or exemptions from standard administrative practices applicable to job performance are implied by this policy. However, the Ute Mountain Ute Tribe will not condone employee drug activity which is contrary to law. When management has good reason to believe criminal conduct is direct towards or potentially harmful to other individuals or the property of others, management's first obligation is to those persons or work environment, including properties, and then to the employee involved.

12. An employee terminated for unacceptable job performance as a consequence of failure to accept or respond to treatment may be considered for re-employment if the personal problem(s) has been arrested and the action is in compliance with the table of penalties.

PROCEDURES

1. Because the troubled employee interprets management's acceptance of the employee's work record as tangible evidence that the employee's problem must still be within acceptable limits, it is extremely important that as soon as sub-standard or deteriorating job performance is indicated (but well before the situation has declined to the point of probation, suspension, or termination), that the supervisor discuss the problem(s) with the employee.

2. At the end of the discussion, the supervisor should inform the employee that if the decline in job performance is caused by a personal problem, an employee may wish to seek the counseling and diagnostic services the Tribal Alcoholism Program offers. The supervisor also should assure the employee that such action will be held in strict confidence. Supervisors should reflect in a memo for the record that performance was discussed and the employee was encouraged to avail themselves of counseling available through the Tribal Troubled Employee Program.

3. If, after a reasonable time, the employee refuse the Tribe's help and if an employee may be given the choice of either accepting the assistance available or accepting the consequences of his or her poor job performance.

4. If and employee is willing to accept the Tribe's help, he/she is referred to the Troubled Employee Specialist (The Tribal Alcoholism Director) for diagnosis.

5. If the diagnosis does not indicated referral treatment but the employee's poor performance seems to result from other personal problem(s), counseling will be offered. Cases not involving personal problems will be referred back to the supervisor.

6. If the diagnosis indicates alcoholism drug abuse, or adjustment reaction, the employee will be assigned to the Troubled Employee Specialist for counseling. Together, they will tailor a course of rehabilitation suited to the individual and his/her problem. It may be recommended that he employee:

A. Obtain treatment for physical problem- (alcoholism: detoxification, liver damage, dehydration, etc.; drug abuse detoxification, toxic psychosis, confusions, etc.; adjustment reaction: physical check-up)

B. Enroll in self-education courses at a facility that provides instruction/treatment in the problem; and/or

C. Engage in continuing supportive therapy such as that available from psychiatry, psychology, Alcoholics Anonymous, Drug Addicts Anonymous, financial agencies, or other group therapy.

The counselor will aid the employee in locating the help necessary to launch him/her on a rehabilitation program and will see the employee has the continued support necessary to maintain sobriety, abstinence, and self-improvement.

7. If the employee relapses and his/her job performance therefore suffers, and appropriate disciplinary action- reprimand and/or suspension, depending upon the severity of the employee's situation - may then be taken. The suspension must be uniformly and consistently applied. A second relapse and subsequent poor job performance will lead to more severe adverse action (i.e.,a 30-day suspension or termination). During the course of the disciplinary period, the counselor will continue to assist the employee.

8. The length of sobriety, abstinence, or self-improvement and the level of job performance between relapses determines just what the following treatment phase should be; however, this judgment should insure that the best interests of both employer and employee are served. Hopefully, the employee;s job is the meaningful incentive that will motivate the employee toward rehabilitation.

9. If the employee does not accept the value of his or her job or does not respond to rehabilitation and the job performance problem persists, appropriate adverse action most probably leading to the employee's termination will be initiated by management.

10. The Tribal Personnel Committee will be responsible for implementing and revising the Tribal Troubled Employee Program.

APPENDIX D

Organization Structure:

The Tribal Chairman is the chief Administrative Officer of the Ute Mountain Ute Tribe. The Ute Mountain Tribal Organization structure

is illustrated on the attached tribal organization chart.

Revisions of the organization structure must be recommended by the Executive Director and approved by the Tribal Chairman.

APPENDIX E

UNITED STATES DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

Constitution and Bylaws of the

UTE MOUNTAIN TRIBE OF THE UTE MOUNTAIN RESERVATION COLORADO, NEW MEXICO, UTAH

APPROVED JUNE 6, 1940

Constitution and Bylaws

CONSTITUTION AND BYLAWS OF THE UTE MOUNTAIN TRIBE OF THE UTE MOUNTAIN RESERVATION IN COLORADO, NEW MEXICO, UTAH

Preamble

We, the people of the Ute Mountain Tribe, of the Ute Mountain Reservation, in Colorado, New Mexico and Utah, under the jurisdiction of the Consolidated Ute Agency, Ignacio, Colorado, in order to exercise the rights of self-government, to administer our tribal affairs, to preserve, develop and increase our tribal resources, do ordain and establish this Constitution.

Article I-Jurisdiction

The jurisdiction of the Ute Mountain Ute Tribe of the Ute Mountain Reservation through its General Council, the Ute Mountain Tribal Council, and its Court, shall extend to the lands now included within the

Article II-Membership

Section !. The membership of the Ute Mountain Tribe of the Ute Mountain Reservation shall consist of the following:

(a) All persons of Ute Indian blood duly enrolled on the 1939 census of the Ute Mountain Reservation: Provided, That within two years from the adoption and approval of this Constitution and Bylaws additions and changes may be made by the Council, subject to the approval of the Secretary of the Interior.

(b) And all children born to any member if such children shall be of one-half or more degree of Ute Indian blood.

Section 2. The Council shall have the power to pass ordinance,s, subject to the approval of the Secretary of the Interior, covering future membership.

Article III-Governing Body

Section 1. The governing body of the Ute Mountain Tribe of the Ute Mountain Reservation, which includes Allen Canyon, shall be known as the "Ute Mountain Tribal Council."

Section 2. The Council shall be composed of seven members on e of whom shall be elected annually by the members of the Allen Canyon (Utah) Community. The Council when it meets after each annual election, shall choose from its membership: a chairman, a secretary-custodian, a treasurer, and such other officers and committees as may be deemed necessary.

Section 3. The Council shall have the power to district the reservation and to apportion representation, subject to a referendum of the people, whenever such action is deemed advisable by the Council.

Section 4. Members of the Council shall be at least twenty-five years of age, and permanent residents of the reservation. No person who has been convicted of a felony shall be eligible for membership on the Council.

Section 5. The first election of the Council shall be held within sixty days after the adoption and approval of this Constitution; and thereafter, the annual election shall be held on the second Friday in October. The councilmen elected at this first meeting shall serve until the first annual election in 1941.

Section 6. At the first annual election after the adoption of this Constitution, the members for the Towaoc Community, shall meet and elect two members of the Council for one year; two members for two years; and two members for three years; thereafter, two members shall be elected annually, by the Towaoc Community for a three-year period. The Allen Canyon Community shall meet and elect their councilman as provided for in Sections 2 and 5 of this Article.

Section 7. Any councilman who may resign, die, or be removed from his office, shall be replaced only at a regular election or at a special election called by the Council. Any councilman convicted of a felony or misdemeanor involving dishonesty in a Federal, State or Indian Court may be removed from office by two-thirds vote of the Council.

Section 8. Members of the Council Shall take office on the first Friday of the first month after their election.

Article IV-Nominations and Elections

Section 1. Any resident member, male or female, 18 years of age or over, and otherwise qualified, shall be entitled to vote at any

election.

Section 2. All elections shall be announced by the Superintendent or by an officer of the Tribe designated by the Council, through a circular letter to the Ute Mountain Indians at least ten days before the election.

Section 3. Candidates for election to the Council shall be nominated at and appear before General Councils to be held at Ute Mountain Sub-agency and Allen Canyon. They shall then be seated, after which voting shall take place. Voting shall be by secret ballet.

Section 4. Notice of special elections shall be given in the same manner as that for general or regular elections.

Article V-Powers of the Council

Section 1. The Council of the Ute Mountain Tribe shall exercise the following powers:

(a) To negotiate with Federal, State and local governments.

(b) To prevent the sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets, without the consent of the Tribe. Leases shall be made by the Council, subject to the approval of the Secretary of the Interior, in accordance with the existing law, but no lease shall be made to a nonmember of the Tribe unless it has been approved by and authorized by the Council.

(c) To advise the Secretary of the Interior with regard to all appropriation estimates of Federal projects for the benefit of the Ute Mountain Tribe of the Ute Mountain Reservation prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(d) To select subordinate boards, tribal officials and employees of the Council not otherwise provided for in this Constitution and to prescribe their tenure and duties.

(e) To promulgate ordinances regulating the domestic relations of members of the Tribe.

(f) To make rules and regulations governing its own procedure.

(g) To approve or veto expenditures from tribal funds which may be proposed by the Secretary of the Interior.

(h) To manage the tribal herds, particularly with regard to the selling of steers, lambs, wools, the purchasing of fresh stock, the distribution of the increase to the members as individual cattle and sheep owners and the protection of the herds and the range against encroachments.

(i) To employ legal counsel for the protection and advancement for the Ute Mountain Tribe of the Ute Mountain Reservation, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary for the Interior.
(j) To pass ordinances, subject to review by the Secretary of the Interior covering the activities of voluntary associations consisting of members of the Tribe organized for the purpose of cooperation or for other purposes, and to enforce the observance of such ordinances.

(k) To provide by ordinance, subject to review by the Secretary of the Interior for the removal or exclusion from the reservation of any non-members whose presence may be injurious to members of the Tribe.

(l) To provide by ordinance, subject to review by the Secretary of the Interior, for the appointment of guardians for minors and mental incompetents.

(m) To prescribe rules for the inheritance of property other than allotted lands.

(n) To regulate the conduct of members of the Tribe and to protect the public peace, safety, morals and welfare of the reservation through the promulgation and enforcement of ordinances, subject to review by the Secretary of the Interior, to effectuate these purposes.

(o) To appropriate funds for salaries of tribal officers and for public purposes form available funds of the Tribe.

(p) To regulate by ordinance, subject to review by the Secretary of the Interior, non-members doing business on the reservation.

Section 2. The Council may exercise such further powers as may be delegated to the Ute Mountain Tribe by the Secretary of the Interior or nay other qualified official or agency of government and may exercise any rights and powers heretofore vested in the Ute Mountain Tribe of the Ute Mountain Reservation but not expressly referred to in this Constitution.

Section 3. Manner of Review. Any resolution or ordinance which by the terms of this Constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the reservation, who shall, within two weeks thereafter, approve or disapprove the same. If he approve and ordinance or resolution,m it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement to the Secretary of the Interior, who may, within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause by notifying the Tribal Council of his action. If the Superintendent refuses to approve any ordinance or resolution submitted to him within two weeks after its enactment, he shall advise the Tribal Council of his reasons. The Tribal Council may by a majority vote refer the ordinance or

resolution to the Secretary of the Interior who may within 90 days from its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

Article VI- General Council

The General Council, consisting of all the voters of the Ute Mountain Tribe of the Ute Mountain Reservation, shall assemble at such times as the Council shall call them together for the discussion of matters relating to the public welfare. A General Council may be called upon a petition signed by a majority of the qualified voters of the Reservation.

Article VII - Land

The reservation land now unallotted shall remain tribal property and shall not be allotted to individuals in severalty, but assignment of land for private use may be made by the Tribal Council in conformity with ordinances which may be adopted on this subject and approved by the Secretary of the Interior.

Article VIII - Referendum

By a Majority vote of the Council, or upon a petition signed by at least 25 percent of the voters of the Ute Mountain Reservation, any proposed or enacted ordinance or resolution of the Tribal Council shall be submitted to an election of the Tribe. A majority of those voting shall determine the validity of such ordinance or resolution. No ordinance or resolution submitted to referendum shall be in effect until approved in the referendum.

Article IX - Amendments

Amendments to this Constitution may be proposed by a majority vote of the Tribal Council, and may be ratified and approved in the same manner as this Constitution and Bylaws.

BYLAWS OF THE UTE MOUNTAIN TRIBE OF THE UTE MOUNTAIN RESERVATION-COLORADO, NEW MEXICO, UTAH

Article I - Meetings of the Tribal Council

Section 1. At the first meeting of the Council after a regular election, the Council shall see that its members have a correct and clear understanding of the Constitution and Bylaws, and of the general management of the tribal and reservation affairs as well as of the rules for the conduct of its own business.

Section 2. The regular meetings of the Council shall be held on a date decided on at a previous meeting of the Council, but meetings shall be held once a month at the Ute Mountain Sub-Agency, or other designated places.

Section 3. Special meetings of the Tribal Council may be called by

the Chairman or by request of two or more members of the Council. Notice of such special meetings shall be given to every member of the Council and to the Superintendent or person in charge of the Sub-Agency as promptly as possible.

Section 4. Matter of business before the Council shall be decided by a majority vote of the quorum present. Five member of the Tribal Council must be present at any regular or special meeting in order to transact tribal business. In the absence of the chairman, the remaining members of the Council; may be elect a temporary chairman.

Article II - Duties of Officers

Section 1. The Chairman of the Council shall preside over all meetings of the Council, shall perform the duties of a chairman and exercise any authority given to him by the Council or by a General Council of the Tribe. He shall vote only in case of a tie.

Section 2. The Secretary-Custodian shall be chosen by the Council from among its members of there is among them a person able to perform such duties; otherwise the Council may elect a Secretary-Custodian from the outside. If chosen from outside the Council, the Secretary-Custodian shall have no vote. If a Council member is able to perform common secretarial duties but not to conduct more difficult secretarial business, he may have a competent assistant from outside the Council. As long as the Federal Government gives help in health and educational service, A Superintendent, and other advisory officials, it may be represented at the Council meetings by a delegate without vote, and such delegate may be selected by the Council to serve as Secretary. To such a secretary, or other employee of the United States Government, selected by the Council, shall be entrusted for the time heretofore referred to, the safe-keeping of all valuable papers and records of the Council and the Tribe, such papers to be kept in the agency office and be accessible to the Council chairman and other authorized persons.

Sections 3. The Council Treasurer shall be the custodian of all monies which may come under the jurisdiction or into the control of the Council. He shall pay out money in accordance with the orders and resolutions of the Council. He shall keep account of all receipts and disbursements and shall report the same to the Council at each regular meeting. He shall be bonded in such amount as the Council may be resolution, approved by the Commissioner of Indian Affairs, provide. The books of the Council treasurer shall be subject to audit or inspection at the direction of the Council or the Commissioner of Indian Affairs. Until the Treasurer is bonded, the Council may make such provision for the custody and disbursement of funds as shall guarantee their safety and proper disbursement and use.

Article III - Adoption of Constitution and ByLaws

This Constitution and ByLaws, when adopted by a majority vote of the qualified voters of the Ute Mountain Tribe of the Ute Mountain Reservation, voting at a special election called by the Secretary

of the Interior in which at least thirty percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval and shall be in force from the date of such approval.

CERTIFICATION OF ADOPTION

CERTIFICATION OF ADOPTION

Pursuant to an order, approved April 9, 1940, by the Assistant Secretary of the Interior, the attached Constitution and ByLaws was submitted for ratification to the members of the Ute Mountain Ute Tribe of the Ute Mountain Reservation and was on May 8, 1940, duly adopted by a vote of 91 for, and 12 against, in an election in which more than 30 percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935, (49 Stat. 378).

EMMA SOUTH BEECHER,
CHAIRMAN, ELECTION BOARD

LEWIS E. WING,
SECRETARY, ELECTION BOARD
JACK HIGHT, JUDGE

S.F. STACHER,
Superintendent Consolidated Ute Agency

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Ute Mountain Tribe of the Ute Mountain Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution and bylaws are hereby declared inapplicable to the members of the Ute Mountain Tribe of the Ute Mountain Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and bylaws .

Approval recommended May 23, 1940.
WILLIAM ZIMMERMAN, JR.
Assistant Commissioner of Indian Affairs.
Oscar L. Chapman
Assistant Secretary

Washington D.C., June 6, 1940

AMENDMENT TO THE CONSTITUTION AND BYLAWS OF THE UTE MOUNTAIN TRIBE OF THE UTE MOUNTAIN RESERVATION COLORADO, NEW MEXICO, UTAH

AMENDMENT I

Article V, Section 1 (o) of the Constitution of the Ute Mountain Tribe shall be amended to read as follow:

(a) To appropriate available funds of the Tribe for salaries and expenses of Tribal officers fund for public purposes, including expenses of tribal officers and for public purposes, including relief of members of the Tribe, contributions to charity, and per capita payments to recognized members of the Tribe; Provided, that the amount distributed per capita in any one year shall not exceed one-half of the unreserved accumulated net operating profits from tribal enterprise without prior approval of the Secretary of the Interior.

CERTIFICATION OF ADOPTION

Pursuant to an order approved December 1, 1949, by the Assistant Secretary of the Interior, the attached Amendment I to the Constitution and Bylaws of the Ute Mountain Tribe, Colorado, New Mexico and Utah was submitted for ratification to the Indians of the Ute Mountain Reservation and was on January 3, 1950, duly adopted by a vote of 69 for, and 0 against, in an election in which over thirty percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

GEORGE MIllS,
Chairman, Ute Mountain Tribal Council

MARK D. BOYKO,
Secretary, Ute Mountain Tribal Council

FLOYD E. MacSPADDEN,
Superintendent, Consolidated Ute Agency

APPROVAL

I, William F. Warne, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment I, amending the Constitution of the Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico and Utah. Approval recommended: Feb. 6, 1950

JOHN R. NICHOLS,
Commissioner of Indian Affairs.

WILLIAM E. WARNE,
Assistant Secretary of the Interior

Washington, D.C.

CONSTITUTION AND BYLAWS
APPROVAL

CONSTITUTION AND BYLAWS OF THE UTE MOUNTAIN TRIBE OF THE UTE MOUNTAIN RESERVATION COLORADO, NEW MEXICO, UTAH

AMENDMENT II

Article IV, Section 1 of the Constitution of the Ute Mountain Tribe shall be amended to read as follow:

"Any resident member 18 years of age or over, and otherwise qualified, shall be entitled to vote at any election."

Article IV, Section 3 shall be amended to read as follows:

To change the last sentence to read "Voting shall be by secret ballot."

APPROVAL

I, Ronald L. Esquerra, Area Director, Albuquerque Area Office, by virtue for the delegated authority granted to me and the requirements of the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment II, amending the Constitution of the Ute Mountain Ute Tribe of the Ute Mountain Reservation, Colorado, New Mexico and Utah.

Ronald L. Esquerra
Area Director

Albuquerque, New Mexico
Date: October 7, 1976